

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order:

00:00:02 **CHAIRMAN RON STOKER**, on January 20, 2009 at 8:00 A.M.,
in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D)

Members Absent: Rep. Anders Blewett (D)

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing: HB 205
Executive Action: HB 205

HEARING ON HB 205

Opening Statement by Sponsor:

00:00:38 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 205, Revise law on postconviction petitions.

Proponents' Testimony:

00:02:16 Chairman Stoker

00:02:22 Nancy MacCracken

[EXHIBIT\(juh13a01\)](#)

00:03:57 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

[Rep. Blewett joins meeting.]

00:04:19 Chairman Stoker

00:04:24 Rep. Wagner

00:05:11 Ms. MacCracken

00:05:19 Rep. Wagner

00:05:32 Ms. MacCracken

00:05:49 Rep. Wagner

00:06:01 Ms. MacCracken

00:06:19 Rep. Wagner

00:06:34 Ms. MacCracken

00:07:03 Rep. Wagner

00:07:05 Chairman Stoker

00:07:06 Rep. Menahan

00:07:29 Ms. MacCracken

00:08:04 Chairman Stoker

00:08:06 Rep. Menahan

00:08:20 Ms. MacCracken

00:08:45 Chairman Stoker

00:08:49 Rep. Menahan

00:08:51 Ms. MacCracken

00:09:28 Chairman Stoker

00:09:30 Rep. Peterson

00:10:33 Ms. MacCracken

00:11:03 Rep. Peterson

00:11:05 Chairman Stoker

00:11:42 Ms. MacCracken

00:12:18 Chairman Stoker

00:12:34 Rep. Menahan
 00:12:51 Ms. MacCracken
 00:12:55 Rep. Menahan
 00:13:03 Ms. MacCracken
 00:13:05 Chairman Stoker
 00:13:07 Rep. Blewett
 00:13:36 Ms. MacCracken
 00:15:00 Chairman Stoker
 00:15:03 Rep. Wagner
 00:15:27 Ms. MacCracken
 00:17:07 Chairman Stoker

Closing by Sponsor:

00:17:23 Rep. Ebinger
 00:17:37 Chairman Stoker

EXECUTIVE ACTION ON HB 205

00:17:52 **Motion:** Rep. Peterson moved that **HB 205 DO PASS.**

Discussion:

00:17:57 Chairman Stoker
 00:18:03 Rep. Peterson
 00:18:09 Chairman Stoker
 00:18:14 Rep. Peterson proposes a conceptual amendment to
 HB 205.
 00:19:03 Chairman Stoker
 00:19:18 Mr. Niss
 00:19:25 Chairman Stoker
 00:20:00 Rep. Peterson
 00:20:05 Rep. Ebinger
 00:20:11 Chairman Stoker
 00:20:16 Mr. Niss
 00:20:36 Chairman Stoker
 00:20:40 Mr. Niss
 00:20:54 Chairman Stoker
 00:20:57 Rep. Driscoll
 00:21:00 Chairman Stoker
 00:21:03 Mr. Niss

00:21:18 **Motion/Vote:** Rep. Peterson moved that the **CONCEPTUAL
 AMENDMENT DO PASS.** Motion carried 17-1 by voice vote
 with Rep. Menahan voting no and Rep. Sands voting by
 proxy.

00:21:34 Rep. Menahan
 00:21:40 Chairman Stoker

00:21:58 **Motion:** Rep. Peterson moved that **HB 205 DO PASS AS AMENDED.**

Discussion:

00:21:59 Chairman Stoker
00:22:10 Rep. Menahan
00:23:10 Chairman Stoker
00:23:14 Rep. More
00:23:43 Chairman Stoker
00:23:45 Rep. Peterson
00:25:20 Chairman Stoker
00:25:21 Rep. Blewett
00:25:42 Chairman Stoker
00:25:51 Rep. Peterson

00:25:58 **Vote:** Motion carried unanimously by voice vote, with Rep. Sands voting by proxy.

ADJOURNMENT

00:26:32 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

[EXHIBIT \(juh13a02\)](#)

Additional Documents:

[EXHIBIT \(juh13aad.pdf\)](#)